

REMARKS

Claims 15, 19 and 26 have been canceled herein, and therefore claims 13, 14, 18, 20 to 25 and 27 to 29 are pending in the present application.

It is respectfully submitted that the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants thank the Examiner for indicating that claims 26 to 29 contain allowable subject matter. Claim 26 has been canceled without prejudice, and claims 27 to 29 now depend from claim 24, since the certain of claim 26 features essentially corresponding to those of claim 15 have been included in claim 24, which is allowable, as explained below. Claims 27 to 29 now depend from claim 24, and are therefore also allowable.

Claims 14 and 26 to 29 were rejected under the second paragraph of 35 U.S.C. § 112 as indefinite.

While claim 26 has been canceled herein and claims 27 to 29 have been rewritten to depend from claim 24, claim 26 is definite for essentially the same reasons as claim 14, which includes essentially the same features. It is therefore respectfully requested that the indefiniteness rejections be withdrawn as to claims 26 to 29.

The indefiniteness rejection of claim 14 is respectfully traversed. Claim 14 depends from claim 13, and it therefore does not cover any process, since it is limited by claim 13. Furthermore, claim features must be read in light of the specification. Claim 14 provides that the application process is not drive-relevant, as disclosed in the Specification at page 3, lines 18 to 29.

Furthermore, as explained by M.P.E.P. Section 2173.04, breadth is not indefiniteness, so that breadth of a claim is not to be equated with indefiniteness. *In re Miller*, 441 F.2d 689, 169 USPQ 597 (CCPA 1971). *If the scope of the subject matter embraced by the claims is clear, and if applicants have not otherwise indicated that they intend the claimed subject matter to be of a scope different from that defined in the claims, then the claims comply with 35 U.S.C. 112, second paragraph.*

Accordingly, claim 14 is allowable, and withdrawal of the indefiniteness rejection is therefore respectfully requested.

U.S. Patent Application No. 10/565,460
Attorney Docket No. 13741/12
Reply to Office Action of March 9, 2010

Claims 13, 14, 18 and 20 to 25 were rejected under 35 U.S.C. § 103(a) as unpatentable over German Patent No. DE 41 26 454 to Gruendl et al. (“Gruendl”) in view of U.S. Patent No. 6,021,499 (“Aleshi”).

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Also, as clearly indicated by the Supreme Court in *KSR*, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. *See KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that “rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

While the rejections may not be agreed with, to facilitate matters, claim 13 has been rewritten herein to include the features of canceled claim 15. These features mirror those of canceled claim 26, which the Office Action (at pg. 5) has indicated includes allowable subject matter, and which is definite as explained above.

As to the Office Action (at pg. 4) conclusory assertion that the features of claim 15 are somehow disclosed by the Gruendl, Aleshi and U.S. Patent No. 5,497,038 to Sink, the Office Action only refers to a single feature of claim 15 (a coil drive circuit).

Even if this were so (which is not conceded), the Office has not met its burden of showing that the prior art reference teach or suggest *all* of the claim features. Furthermore, the Office Action (at pg. 5) has indicated that the features of claim 26 are allowable, so that claim 15 is also allowable for essentially the same reasons.

Accordingly, claim 13, as presented, allowable, as are its dependent claims 14, 18 and 20 to 23.

Claim 24, as presented, also now includes features like those of features of claim 26 which are found in claim 15, as explained above, and it is therefore allowable for essentially the same reasons, as is its dependent claim 25. Claims 27 to 29 also now depend from claim 24.

It is therefore respectfully requested that the Office withdraw the obviousness rejections of claims 13, 14, 18 and 20 to 24.

Claim 15 was rejected under 35 U.S.C. § 103(a) as unpatentable over Gruendl in view Aleshi and further in view of U.S. Patent No. 5,497,038 ("Sink").

Claim 15 has been canceled without prejudice, and it is therefore respectfully requested that the rejection be withdrawn. It is noted that its features have been addressed above as to Sink, and its features have been included in claim 13, as explained above.

Claims 18 and 19 were rejected under 35 U.S.C. § 103(a) as unpatentable over Gruendl in view Aleshi and Sink and further in view of in view of U.S. Patent Publication No. 2002/0172056 ("Riggio").

Claim 19 has been canceled. Claim 18 has been rewritten to include the features of canceled claim 19. Claims 18 depends ultimately from claim 13 and it is therefore allowable for the same reasons as claim 13, as explained above. This is because the Riggio reference does not cure – and is not asserted to cure -- the deficiencies of Gruendl as to claim 13 as explained above. Accordingly, it is respectfully submitted that claim 18 is allowable for at least this reason.

Furthermore, claim 18 as presented includes the feature in which the at least one consumer is connected to the AC/AC converter via an AC/DC converter. Even if the Riggio reference (at paragraph 84) did concern a tank coupled single stage converter sub-circuit (TCSSC), which can be configured to operate as a AC-DC, DC-DC, DC-AC, or AC-AC converter, this is clearly not the same as disclosing the feature in which at least one consumer is connected to the AC/AC converter via an AC/DC converter, as provided for in the context of the presently claimed subject matter of claim 18.

It is therefore respectfully requested that the Office withdraw the obviousness rejection of claim 18.

Claims 27 to 29 have been rewritten to depend from claim 24 and they are therefore allowable for essentially the same reasons as claim 24, as explained herein.

As further regards all of the obviousness rejections, any Official Notice is respectfully traversed to the extent that it is maintained and it is requested that the Examiner provide specific evidence to establish those assertions and/or contentions that may be supported by the Official Notices under 37 C.F.R. § 1.104(d)(2) or otherwise. In particular, it is respectfully requested that the Examiner provide an affidavit and/or that the Examiner provide published information concerning these assertions. This is because the § 103 rejections are apparently being based on assertions that draw on facts within the personal knowledge of the Examiner, since no support was provided for these otherwise conclusory and unsupported assertions. (See also MPEP § 2144.03).

Accordingly, claims 13, 14, 18, 20 to 25 and 27 to 29 are allowable.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the presently pending claims are allowable. It is therefore respectfully requested that the rejections and objections be withdrawn, since they have been obviated. Since all issues raised by the Examiner have been addressed, an early and favorable action on the merits is respectfully requested.

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